

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	10/619,729	Confirmation No.	:	7038
Applicant	:	ROLDAN, Emilio			
Filed	:	July 15, 2003			
Group Art Unit	:	1623			
Examiner	:	ISSAC, Roy P.			
Docket No.	:	3524-015			
Title	:	USES OF 1-AMINO-3-(N,N-DIMETHYLAMINO)- PROPYLIDENE-1,1-BISPHOSPHONIC ACID			

INTERVIEW SUMMARY

MAIL STOP AMENDMENT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

This paper constitutes Applicant's Interview Summary as required under 37 C.F.R. § 1.133. The interview occurred telephonically on November 9, 2007. Participating were Supervisory Examiner Anna Jiang, Examiner Roy P. Issac, and attorney Nicholas Landau (undersigned). Discussed were several matters regarding the patentability of all pending claims.

Applicant requested the Examiners' opinion as to whether alternative preamble language to "maintaining a healthy bone structure" is enabled by the specification. The Examiners expressed doubt. Applicant requested reconsideration of the new matter rejection of all pending non-withdrawn claims except claim 39. Examiners agreed to reconsider the rejections in light of Applicant's arguments. Applicant explained its position that *KSR v. Teleflex* has not removed the requirement for a motivation to combine for a showing of prima facie obviousness. Examiner Teller stated that, under *KSR v. Teleflex*, "motivation to combine need not be shown." The Examiners suggested that claims 32, 33, 35-37 and 39 might be enabled if drawn to methods of

"inhibiting osteopathy" or "reducing the severity" of osteopathy. Applicant agreed to consider drafting such claims. Applicant proposed amending claim 62, to delete the elements of osteoporosis, arthritis, and periodontal disease. The Examiners agreed that such an amendment would overcome the anticipation rejection over Van Beek.

Agreement was not reached on patentable form of the claims.

Applicant is grateful for the opportunity to speak with the Examiners regarding this matter. Applicant requests this Summary be entered into the record in compliance with 37 C.F.R. § 1.133. The Examiner is encouraged to contact the undersigned telephonically should there be any further concerns regarding the allowability of this Application.

Respectfully submitted,

AKERMAN SENTERFITT
Esperante Building
222 Lakeview Avenue, Suite 400
West Palm Beach, Florida 33401-6183
(516) 653-5000

Nicholas J. Landau
Nicholas J. Landau, Ph.D.
Registration No. 57,120

Date: 12/17/2007